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September 15, 2009

Hon. A. Kathleen Tomlinson
United States District Court
100 Federal Plaza
Central Islip, New York 11722

Re: Precious Stephens v. Bayview Nursing Home & 199 SEIU
Civil Action No. Cv-07-0596 (JFB)(AKT)

Dear Judge Tomlinson:

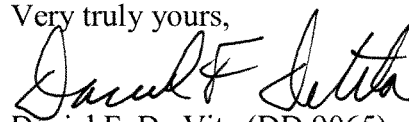
As you know, I represent the plaintiff Precious Stephens in this case. As part of this Court's Order dated August 20, 2009, the Court directed that plaintiff's deposition be taken by September 30, 2009. Accordingly, I immediately attempted to contact my client. When several phone messages to Ms. Stephens were unanswered, which is unusual, I sent a letter on September 1, 2009 directing her to contact me.

Meanwhile, the defendants noticed plaintiff's deposition for September 24, 2009, which I advised was acceptable to me but I had not yet heard from my client. This week I sent another letter to Ms. Stephens' last known address.

Today I was contacted by Ms. Stephens' daughter, Ayana Ximinies, who informed me that Ms. Stephens had been deported to Jamaica in April. She further informed me that Ms. Stephens has retained a lawyer and is attempting to return lawfully to the United States. At my request, she is in the process of obtaining the immigration lawyer's name and number so that I can get more information. She also stated that Ms. Stephens is willing to submit to a deposition, even telephonically if possible.

Because of the foregoing events, I anticipate that we will not be able to conduct plaintiff's deposition by the end of September. Consequently, I respectfully request a telephone conference, to be initiated by me, sometime next week to discuss this matter.

Very truly yours,


Daniel F. De Vita (DD 9065)

cc: W. Matthew Groh, Esq.
Micah Wissinger, Esq.